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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2652

PATENT  
Attorney Docket No.: 041514-5125

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ikuya KIKUCHI, *et al.*

Application No.: 09/878,180

Filed: June 12, 2001

For: OBJECTIVE LENS, OPTICAL PICKUP  
DEVICE AND OPTICAL RECORDING/  
REPRODUCING APPARATUS

Mail Stop AF

Confirmation No.: 1408

Group Art Unit: 2652

Examiner: P.V. Agustin

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NOV 10 2004

Technology Center 2600

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION TRANSMITTAL**

1. Transmitted herewith is a Response and Request for Reconsideration Under 37 C.F.R. § 1.116 responding to the Final Office Action dated June 8, 2004
2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> <b>two months</b>	<b>\$ 430.00</b>	\$ 215.00
<input type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$ 1,530.00	\$ 765.00

Extension of time fee due with this request: **\$430.00.**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	6	minus	20	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$88 each=	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$300.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$430.00** for the two-month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

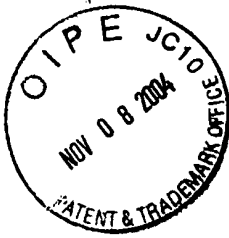
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: November 8, 2004

By: 

Paul A. Fournier  
Reg. No. 41,023

**CUSTOMER NO. 09629**  
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Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Final Office Action dated June 8, 2004, the period of response to which extends through November 8, 2004 by the concurrently filed petition for a two-month extension of time and corresponding fee payment, reconsideration and withdrawal of the rejections set forth in the outstanding Final Office Action are respectfully requested.

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